

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CAROLINE ROSS

Plaintiff

V.

**JUDSON INDEPENDENT
SCHOOL DISTRICT**

Defendant

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CIVIL ACTION NO. 5:18-cv-269

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION:

1.

Please take notice that Defendant, JUDSON INDEPENDENT SCHOOL DISTRICT hereby removes to this Court the state court action described below.

2.

This action was commenced on May 30, 2017, in the 73rd Judicial District Court of Bexar County, Texas, as Cause No. 2017-CI-09876. In her Original Petition, Plaintiff asserted claims solely under the Texas Commission on Human Rights Act. On March 8, 2018, Plaintiff filed a Second Amended Petition alleging for the first time additional claims pursuant to 42 U.S.C. § 1983 against Defendant Judson Independent School District, and purported to add as individual defendants Dr. Carl Montoya, Elida Bera, and “four to five, as of yet, unnamed JISD Board Members who voted against Ross” in non-renewing her employment contract.

Defendant Judson Independent School District was served with citation and received its first notice of this cause on or about July 6, 2017. None of the purported individual defendants

have been served with citation. As of this date, the case was styled Caroline Ross v. Judson Independent School District.

3.

This action is a civil action of which this Court has original jurisdiction under the provisions of 42 U.S.C. § 1983; therefore, it is removable to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1441, since it is a civil action over which the Federal district courts have original jurisdiction over the subject matter pursuant to the statutory provisions noted above, and since the case arises under the laws of the Constitution and the United States.

4.

This Notice of Removal is filed within thirty (30) days of receipt by Defendant of Plaintiff's Second Amended Petition, in which she alleged claims arising under federal law for the first time, and is therefore timely filed pursuant to the provisions of 28 U.S.C. §1446(b).

5.

A copy of all process, pleadings and orders served on Defendant in this action and the State court docket sheet is attached to this Notice.

WHEREFORE, PREMISES CONSIDERED, Defendant, Judson Independent School District prays that this cause be removed to the United States District Court for the Western District of Texas, San Antonio Division, and that the said Court grant said Defendant all relief, special or general, at law or in equity, to which it shows itself justly entitled.

Respectfully Submitted,

WALSH GALLEGOS TREVIÑO
RUSSO & KYLE, P.C.
100 NE Loop 410, Suite 900
San Antonio, Texas 78216
Tel No.: (210) 979-6633
Fax No.: (210) 979-7024

By: /s/ D. Craig Wood
D. CRAIG WOOD
State Bar No. 21888700
E-Mail: cwood@wabsa.com
KATIE E. PAYNE
State Bar No. 24071347
E-Mail: kpayne@wabsa.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of March, 2018, a true and correct copy of the above and foregoing was electronically filed with the Clerk of the Court using CM/ECF system. The undersigned certifies that on the 22nd day of March, 2018, notification of such filing has been sent to the following by certified mail return receipt requested:

ATTORNEY FOR PLAINTIFF

Mr. Laurence "Larry" Watts
WATTS & COMPANY, LAWYERS, Ltd.
P.O. Box 2214
Missouri City, Texas 77459

CERTIFIED MAIL # 7017 2680 0000 8118 3824
RETURN RECEIPT REQUESTED

/s/ D. Craig Wood
D. CRAIG WOOD